



State of Delaware
Commission on Forensic Science
(CFS)

Minutes

07/27/15

10:00 -12:00

Division of Forensic Science
1st Floor Conference Room
200 South Adams Street
Wilmington, DE 19801

1. Welcome and Call to Order

- The meeting was called to order by Secretary Lewis Schiliro who provided a brief welcome and thanked everyone for coming this morning. Those in attendance were as follows:

Voting Commission Members

Secretary Lewis D. Schiliro
Secretary Landgraf
Major John Evans
Chief Randall L. Hughes
Kathleen Jennings
Representative John Mitchell
Lisa Schwind, RN, Esquire
Anita Symonds, RN

Department of Safety & Homeland Security - **Chair**
Department of Health & Social Services - **Co-Chair**
Delaware State Troopers Association
Delaware Police Chiefs' Council
DE Department of Justice-State Prosecutor
Delaware House of Representatives
Public Defender's Office – Forensic Attorney
Christiana Care

Non-voting Commission Support

Commission's Legal Support

DAG Lisa Morris

Department of Justice

Council Support

Patricia McIlvaine

Division of Forensic Science

Additional Non-voting Attendees

Isabella Kaplan
Rebecca Walker
Michael Wolf

DTI – Customer Engagement Specialist
Division of Forensic Science-Chief Operating Officer
Division of Forensic Science-Director

Absent Voting Commission Members

Senator Robert Marshall
Clytrice L. Watson, Ph.D.

Delaware State Senate
Associate Dean – Delaware State University

1. Introduction – Appointment of Chief Randall L. Hughes

- Secretary Schiliro introduced our newest Commission member, Georgetown Police Chief Randall L. Hughes. Chief William E. Bryson, Chairman of the Delaware Police Chiefs' Council, has appointed Chief Hughes to be the Council's representative to this Commission. Secretary Schiliro then proceeded to read the appointment letter from Chief Bryson for the record.

2. Approval of the Minutes

- Secretary Schiliro asked everyone if they had reviewed the minutes of the last meeting and, hearing no objections, asked for a motion to approve the minutes. Major Evans motioned to approve and Chief Hughes seconded the motion, with voting members in attendance unanimously voting to approve the minutes of the April 6, 2015 meeting.

3. Reporting Issues to the Commission

- Anita Symonds voiced a concern with the Commission's response in setting up a clear communication pathway for any input from concerned stakeholders. Specifically, she said, her reference is to "Title 29 - § 4714 Commission on Forensic Science ... d) The Commission shall undertake the following tasks: ... (4) Receive and consider input from all stakeholders in the criminal justice community, including, without limitation, prosecutors,

defense attorneys, the courts, law enforcement, victims' advocates, the Domestic Violence Coordinating Council, the Child Death, Near Death and Stillborn Commission, and other interested persons or parties; ...". Ms. Symonds does not think there is a clear path defining how people can contact the Commission, or a way for Commission members to be made aware of any incidents that occur within DFS prior to our bi-monthly meetings.

- Lisa Schwind agreed that we need to establish a procedure of how Commission members are notified of a DFS incident and not have to hear it third party. DAG Lisa Morris cautioned that we, as a Commission, must balance our Commission responsibilities versus the HR responsibilities where an employee is involved, and also consider FOIA requirements. Secretary Schiliro suggested that one alternative, should a serious incident occur, would be to hold an "executive session" with Commission members. DAG Lisa Morris advised that when certain incidents occur at DFS, whether it involves an employee's performance, or equipment, or even a power outage, etc., a Corrective Action Request (known as a "CAR") may be issued. These CARs can be from any unit and on several different levels based on the incident that occurred. Mike Wolf and Rebecca Walker are working with DFS leadership to have a uniform CAR system throughout the labs.
- A lengthy discussion followed on how best DFS could convey internal corrective actions taken and how to best gain input from the public. As a result of this discussion, a suggestion was made that the Commission be added to the DFS website, listing its members and their contact numbers, so that the public has a way to contact Commission members should they have any concerns/issues. As far as notifying Commission members of DFS incidents, it was suggested that DFS send a generic list of CARs to our membership prior to our bi-monthly meetings. However, should the Director think the issue is questionable, he will discuss with DAG Lisa Morris for her analysis on need for disclosure. Director Wolf thinks this might be a good compromise as DFS needs to be transparent and we do not want any ethical lapses.

4. 2016 Commission Goals and Objectives

- Secretary Schiliro stated that DFS has done well this past year and various issues have been corrected. Additionally, some projects have been completed while others are underway to improve the overall efficiency of the laboratories. He said that we have to look at future forensic science services for the State of Delaware. The Secretary said we are the advocates for the science of justice. Unfortunately, we did not get the funding needed at the last legislative session. We are not where we need to be. He said we must look to the new legislative session because we have to prioritize securing a revenue source to fund the delivery of science.
- Secretary Schiliro emphasized to Committee members that the reports issued by the Standards & Certification Committee and the Strategic Planning Advisory Committee are critical to the future of this laboratory. The General Assembly must understand that if Delaware wants to provide state-of-the-art forensic science services, then this is what it takes to move forward and consolidation of services will not happen without funding. Secretary Schiliro maintained that even though it continues to be a tough budget year, a study must be commissioned to centralize DFS services state-wide and relocate the forensic science laboratory. Commission members voiced their agreement.
- Secretary Schiliro then turned the meeting over to Director Wolf for an update on DFS.

5. DFS Update

- Director Wolf informed the Commission of the following DFS activities:
 - We have instituted a drug testing policy and recently all employees were tested.
 - The new telephone system has been installed and is operational.
 - The project to increase the building's bandwidth has been completed. We have gone from a 10 megabit circuit to a 100 megabit circuit and connectivity is no longer an issue for this building.

- Electronic locks for secured areas and evidence lockers have been installed and generate electronic records of date/time and person who enters.
- Improvements have been made to the Forensic Laboratory Information Management System (FLIMS) computer database and the Forensic Advantage Website. These revisions will make reports more readily available to DOJ and police.
- Several meetings have been held regarding a statewide bar coding system and we are looking at the possibility of having Capitol Police as couriers.
- Personnel: DNA is currently operating at one-half force but we have two new hires who are currently undergoing the background check process. Forensic Chemistry has five employees with another in training and still one person to hire. The Director noted that to-date, \$1.85M has been spent just on outsourcing our drug testing with NMS so, needless to say, we are wanting to be at full staff and capacity in order to do all drug testing in-house. Toxicology is fully staffed and we are looking at consolidating DUI testing currently done at the DSP Crime Lab in Dover. On the ME side of the house, said Director Wolf, we are in the process of hiring two full-time investigators and three casual/seasonal. In addition, Dr. McDonough, our downstate pathologist, has informed us that he will retire at year's end.
- Director Wolf reported that he is working with Peggy Bell, DELJIS, to document violent crime data (the current report is from 2012 to 2015 to-date). Additionally, a report showing drug data for that same time period should be issued in the very near future which will demonstrate "hot spots" throughout the state. To complement this effort, DFS unit leaders are now generating monthly analytical reports showing case/sample productivity, backlogs, and turn-around times. We think that with all of this data, we will be better positioned to predict/justify additional resources before inundation.
- In an effort to promote synergy and familiarization, DFS is conducting tours of the facility with DOJ interns, CJC office and the Public Defender's office, on a continuing basis.

- Secretary Schiliro then turned the meeting over to DAG Lisa Morris for an update on the Standards and Certifications Advisory Committee.

6. Standards & Certifications Committee

- DAG Lisa Morris extended Dr. Watson's apology that she is unable to be here today to present the Committee's findings. Dr. Watson has asked that DAG Morris report the Standards & Certifications Committee's recommendations for DFS accreditation as follows:
 - "The committee held several meetings to evaluate the current accreditation and to assess the future accreditation of the Delaware Division of Forensic Science (DFS). DFS is currently accredited by the American National Standards Institute-American Society for Quality Accreditation Board (ANAB). The Committee considered future accreditation by the American National Standards Institute-American Society for Quality Accreditation Board (ANAB) and American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/Lab), and believes that either ANAB or ASCLD/Lab is suited to assist DFS to become ISO 17025. However, should DFS be reaccredited by ANAB, the Committee suggests that ANAB meet the following demands:
 1. More assessors during audits – one per discipline (two minimum for FBI-QAS) and one for ISO document.
 2. Longer assessment periods – previously 3 – 4 days; will request 5 full days minimum.
 3. Explore the possibility of yearly on-site visits until the Commission on Forensic Science deems otherwise and eliminate biennial desk audits.

The desired outcome is for DFS to become ISO 17025 certified and either accrediting agency can achieve this goal. It may be more efficient to continue with ANAB with a more in-depth evaluation in effort to correct the known deficiencies and identify new areas for improvements. Dual accreditation was also suggested, however, this may not be cost effective for the State."

- Director Wolf then spoke to the Commission members about his recommendation for ASCLD/Lab certification. He explained that ASCLD/Lab accredits 81% of the U.S. forensic testing laboratories accredited to ISO/IEC 17025 and is the only accrediting body that focuses 100% on laboratories performing testing and calibration for the criminal justice system. A lengthy discussion followed on the best accrediting body for DFS. State Prosecutor Kathleen Jennings said she is in favor of ASCLD/Lab. Major Evans, Chief Hughes, Representative Mitchell, and Anita Symonds voiced their agreement also. Lisa Schwind acknowledged the utility of ASCLD but supports the recommendation of the Standards & Accreditation Committee for dual accreditation. Director Wolf advised that he would proceed with the ASCLD/Lab certification.
- Secretary Schiliro then moved the meeting forward to Major Evans for an update on the Strategic Planning Advisory Committee.

6. Strategic Planning Advisory Committee

- Major Evans reviewed the Committee's goal; which is: "to ensure that the Division of Forensic Science is able to provide accurate, timely and responsive forensic science services to all members of the criminal justice community in Delaware and to suggest and support the implementation of improvements to the operations of the Division."
- a. He reported the committee has met on two occasions (2/27 and 4/24) and made the following site visits:
 - Maryland State Police Crime Laboratory, Baltimore County, MD (4/1/15)
 - State of Maryland, Office of the Chief Medical Examiner, City of Baltimore (5/14/15)
 - NJSP Office of Forensic Sciences Central Regional Laboratory, Hamilton, NJ (6/23/15)
 - Consolidated Forensic Laboratory in Washington, DC (7/13/15)

Major Evans also noted that a future site visit will be scheduled to the Armed Forces DNA Identification Laboratory and Armed Forces Medical Examiner System, Dover Air Force

Base. He said that after this, the committee will draft a report summarizing best practices and lessons learned as a result of touring these sites which are all relatively new facilities.

- b. Current Building Condition: The committee, in conjunction with DTI, is working on an anonymous survey through Survey Monkey to all DFS staff asking for feedback on building and work conditions.
- c. Synergy: Lisa Morris will be working with the Comptroller from the DOJ to research dollar amount spent on outsourcing evidence analyses. Major Evans said he will work with the DSP Fiscal Unit in an attempt to identify cost amounts for outsourcing DSP evidence..
- d. Staff Retention/Pay Parity: Dr. Lehman has provided the committee with several websites which will be reviewed to compare salaries across the country of similar positions within DFS.
- e. Evidence Destruction: Currently, there is no evidence destruction statute in Delaware Lisa Schwind will provide, for the committee's review, publications on statutes in other states.
- f. College Internships: Dr. Lehman has reported that establishing an internship program between the University of Delaware and DFS was well received by the University. There are currently twenty students working on the application process which will include a background check. Lisa Morris is also working with Joe Swiski, DSHS HR, on this initiative.
- g. DNA Sample Collection/Retention: The proposed legislation regarding the collection of DNA samples from those not only convicted, but those arrested of certain felony offenses, has been tabled.
- Major Evans said that he thinks it only right that he mention that the facilities they have toured vary in cost anywhere from \$28M to \$228M; everyone must understand that it is going to take a lot of money to get where we need to go. Lisa Schwind commented that

it's embarrassing when you see what is out there and then come back and see what is here.

8. Commission Members Open Discussion

- Secretary Schiliro asked if anyone had any other questions/concerns; there were none.

9. Adjourn

- Anita Symonds made a motion to adjourn the meeting and Lisa Schwind seconded the motion, which was unanimously approved by voting members of the Commission present.
- The meeting adjourned at 12:00 p.m.

Next Meeting: *Monday, September 21, 2015*

10:00 am – 12:00 am

Location: DFS, 200 South Adams Street, Wilmington, DE
1st Floor Conference Room